

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

ZIPIT WIRELESS INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD,  
SAMSUNG ELECTRONICS AMERICA,  
INC., and SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC,

Defendants.

Civil Action No. **6:17-cv-01243**-MGL

**JURY TRIAL DEMANDED**

**PLAINTIFF ZIPIT WIRELESS, INC.'S RESPONSES TO LOCAL RULE 26.01  
INTERROGATORIES**

Pursuant to Fed. R. Civ. P. 7.1 and Local Rule 26.01, Plaintiff Zipit Wireless, Inc. makes the following answers to the Local Rule 26.01 Interrogatories. The following information is based on Plaintiff's current knowledge and understanding:

**INTERROGATORY (A): State the full name, address, and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.**

RESPONSE: None

**INTERROGATORY (B): As to each claim, state whether it should be tried to a jury or nonjury and why.**

RESPONSE: Plaintiff submits that the issues of infringement and damages for both Count I (infringement of U.S. Patent No. 7,292,870) and Count II (infringement of U.S. Patent No. 7,894,837) should be tried to a jury as they are legal issues, while the equitable issues of

injunction for both Counts should be tried by the Court. *See In re Lockwood*, 50 F.3d 966, 973 (Fed. Cir. 1995); *Teagle Corp. V. Tokyo Electron Am. Inc.*, 257 F.3d 1331 (Fed. Cir. 2001).

**INTERROGATORY (C): State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.**

RESPONSE: Plaintiff is not a publically owned company and the answer to subsections (1)-(3) is None.

**INTERROGATORY (D): State the basis for asserting the claim in the division in which it was filed.**

RESPONSE: Plaintiff resides in the division in which this lawsuits was filed. Additionally, this division is where the infringement of Count I and Count II occurs and continues to occur, and where Plaintiff has suffered damages.

**INTERROGATORY (E): Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action.**

RESPONSE: This action is not related to any currently-pending matter filed in this District. The two patents at issue in the present matter were at issue in a previous patent litigation in this District – *Zipit Wireless, Inc. v. BlackBerry Limited and BlackBerry Corporation*, Civil Action No. 6:13-cv-2959-JMC. This previous *Zipit Wireless* matter was dismissed on April 4, 2017 (*see* Dkt. No. 153 in Action No. 6:13-cv-2959-JMC).

Respectfully submitted, this 15<sup>th</sup> day of May, 2017.

/s/ Robert P. Foster

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**CERTIFICATE OF SERVICE**

I certify that on May 15, 2017 the above and foregoing document was electronically filed with the Clerk of Court for the United States District Court for the District of South Carolina, Greenville Division, using the CM/ECF system, which will automatically send notification of such filing to counsel Record.

/s/ Robert P. Foster

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